

**Marion County Circuit & Superior Courts**  
***File & Serve* Special Instructions Re: Mortgage Foreclosure & Collection Cases**

**Prior to E-filing:**

- Please file a copy of your Marion County Electronic Filing User Agreement directly with the court. **Every firm that plans to e-file must agree to and sign this form before e-filing.** You should send the signed form to:

Court Administrator  
Attn: Glenn Lawrence  
Marion Superior Court  
200 E. Washington Street, T-1221  
Indianapolis, IN 46204

A copy of the User Agreement can be found in the File & Serve Resource Center.

- Be sure your firm, attorneys and support staff are registered with File & Serve. If you need instructions on how to do that, please call our customer service line at **888-529-7587** or check the Welcome Kit that was sent out by the Indianapolis Bar Association on April 16, 2010.

**Case Types**

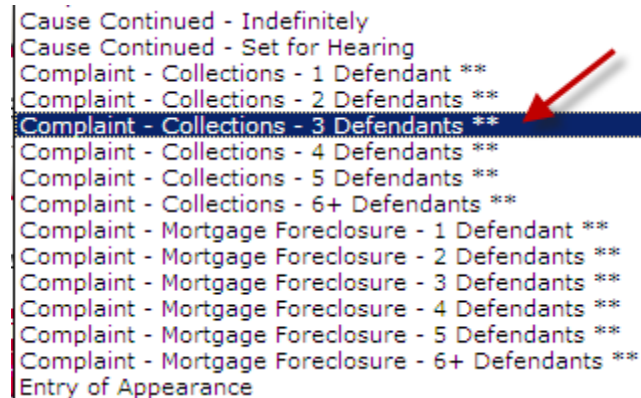
- Only **new** Mortgage Foreclosure or Civil Collections cases commencing on or after May 17, 2010 will be eligible for electronic filing and service.

**Document Format – Court Stamp Specifications**

- **Important Information Regarding Required Margins on Documents:** The court will be applying electronic banners and/or stamps on e-filed documents. File & Serve users will need to leave specific margin space for the banners and stamps to fit on their documents. For your reference, there is a document entitled “**Marion County Stamp Guidelines**” located in the File & Serve Resource Center. This document details the locations of the clerk and judicial file stamps for certain document types. Please be sure to follow these guidelines or the court banners will over write the text of your pleading.

## Submitting your Documents

- On the Documents Tab, be sure to select the correct document type depending upon the number of defendants. Failure to select the correct document type may result in incorrect statutory filing fees being assessed by the court (screen shot below). The Court will be adjusting the statutory filing fees for documents that contain more than 6 defendants.



- Instructions Regarding Amended Complaints
  - If no defendants have filed an answer, firms can e-file an “Amended Complaint” without a Motion to Leave. In this situation, the firm can go ahead and e-file their “Amended Complaint” selecting the Amended Complaint document type from the drop down.


Amended Complaint - 1 Defendant  
 Amended Complaint - 2 Defendants  
 Amended Complaint - 3 Defendants  
 Amended Complaint - 4 Defendants  
 Amended Complaint - 5 Defendants  
 Amended Complaint - 6+ Defendants  
 Amended Complaint - No Defendants

- If any of the parties have filed an answer, the firm will have to file a Motion to Leave to file an “Amended Complaint.” They should not append the “Amended Complaint” to the motion, or select a document type of “Amended Complaint” prior to the Motion to Amend being granted as they will be assessed the statutory fee associated with that document type. They can, however, attach the “Amended Complaint” as an exhibit to the motion. Once the motion is granted, the firm should submit their “Amended Complaint” as a separate transaction selecting “Amended Complaint” as the document type.

- When entering your Document Title in File & Serve, you need to be as descriptive as possible. Do not enter generic information. Please be sure to name the moving party, a descriptive title of the document, the party against whom relief is sought and the nature of the relief being sought. (i.e.: Plaintiff XYZ Mortgage Company Motion for Order Authorizing Sale). If there are multiple parties, you need only enter the first party name and et. al. See LR49-TR8-2049(c) - Incomplete Title on Pleading.
- Case Party Names: When entering party information on the Case Parties tab for a new case, if you do not know the name of the parties, then select an Entity type of Organization and enter in the name field: All Tenants Residing at 1234 State Street, Indianapolis IN.

- Important Instructions Regarding Uploading of Summonses:

When uploading multiple summonses for one case, you need to upload each summons separately so each document can receive the necessary clerk stamp. The various summonses will be uploaded separately in the same transaction. It is important for the first summons you upload to select the Document Type of **“Summons – Service by Sheriff”** so the \$13 fee can be assessed. For any additional summonses, you need to select the document type of **“Summons – Service by Sheriff (fee paid)”** so you are not assessed additional fees.

Summons - Service by Sheriff  
Summons - Service by Sheriff (fee paid)   
Summons - Service by Sheriff (non Marion)

- All documents that require a clerk stamp must be uploaded as a separate document. Do not combine documents that require clerk stamps together as one document and upload as one PDF. For example, if you are selecting a summons via publication, you would need to upload the following as separate documents in the same transaction:





#### Example 1

- Summons – Service by Publication – Affidavit
- Summons – Service by Publication – Clerk ROS
- Summons – Service by Publication – Notice of Suit
- Summons – Service by Publication – Preacipe

#### Example 2

- Motion for Default Judgment
- Proposed Order for Default Judgment

- On subsequent filings (i.e., after the case has been filed), if a firm is responsible for paying for certified mail service to a defendant, the law firm will have to initially e-file the documents through File & Serve. After the court clerk accepts the transaction and “stamps” the documents, the firms will print out the documents and send them certified mail to the defendant(s).
- Electronically ‘staple’ supporting documents to the main document by using the Main/Supporting column in the Attached Documents list.

- Use the Linking feature in the Attached Documents list when submitting responses to previously submitted documents. (If the previously submitted document is unavailable to 'link to', reference the previous document's transaction id in the "Document Title.").
-  All sealed documents must be filed in the traditional manner. If you file a sealed document, please e-file a **Notice of Manual Filing** on File & Serve to alert the Court and opposing counsel that a sealed document was submitted in conventional form. You will need to upload a document which should look similar to a pleading with the case caption, case number and title it Notice of Manual Filing of Sealed Documents (include the title of the sealed documents you are filing).
- Proposed Orders may be filed electronically. Please be sure that your proposed orders are uploaded in an editable format so the court can use them (i.e. .doc, .wpd, rtf). Do not upload a proposed order as a PDF file. The court will reject it. Once the court rules on your proposed order, it will issue the Order electronically.
-  Entering AKA/DBA parties: when you enter your party information into File & Serve, you do not need to enter any AKA or DBA parties. They should, however, be listed on your actual pleading because the court will enter this information into their Case Management System.
-  Lis Pendens: If the Lis Pendens is e-Filed, after it is accepted and electronically stamped, the firm is responsible for printing out the stamped copy of the accepted Lis Pendens and submitting it to the Marion County Recorder's Office.
-  When a Motion to Stay a Sheriff sale is granted, the law firms are responsible for printing out a stamped copy of the order and sending it to the Sheriff's office so they are aware of the stay.
- Pro se defendants will not be served via File & Serve. Please serve them traditionally.
- Once a case is placed on File & Serve, the court will scan and upload any paper filed documents so there is a complete electronic record of the case available to registered users of File & Serve.
- Your File & Serve receipt is your proof of service. Please print this document for your records.
- File & Serve Customer Service is available 24/7 at **888-529-7587**.